

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

Demetrius Alexander Brown,)	
)	
Plaintiff,)	Civil Action No. 4:21-cv-670-TMC-TER
)	
vs.)	ORDER
)	
Sheriff Anthony Dennis, Chief Gardner,)	
Director Ray, Maj. Chanae Lumpkin,)	
Capt. Blanding, Staff Sgt. Richardson,)	
and Miss White,)	
)	
Defendants.)	
)	

On March 8, 2021, Plaintiff Demetrius Alexander Brown, a pretrial detainee proceeding *pro se* and *in forma pauperis*, brought this civil action pursuant to 42 U.S.C. § 1983 alleging claims against 31 defendants in a 64-page complaint. (ECF No. 1). In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(e) (D.S.C.), this matter was referred to a magistrate judge for all pretrial proceedings. On March 23, 2021, the magistrate judge entered a detailed nine-page proper form order identifying and explaining numerous deficiencies in the complaint and advising Plaintiff that no process would issue until Plaintiff addressed the specified issues. (ECF No. 6). The order warned Plaintiff that the “complaint, as currently filed, is subject to summary dismissal as it fails to state a claim upon which relief may be granted against the defendants.” *Id.* at 7. The order further advised Plaintiff that if he failed to cure the specified deficiencies, the magistrate judge would “recommend to the district court that the claims be dismissed prejudice.” *Id.* at 8. On April 5, 2021, Plaintiff filed an amended complaint that reduced the number of defendants to seven (7) individuals. (ECF No. 10).

Now before the court is the magistrate judge’s Report and Recommendation (“Report”),

recommending that the court summarily dismiss this action without issuance and service of process as to Defendants Dennis, Gardner, and Ray. (ECF No. 21 at 5). The magistrate judge issued a separate order authorizing the issuance and service of process as to Defendants Blanding, Richardson, White, and Lumpkin. (ECF No. 20). Plaintiff was advised of his right to file objections to the Report and of the consequences of failing to do so in a timely fashion. (ECF No. 21 at 6). The Report was mailed to Plaintiff on May 5, 2021, at the address he provided to the court, (ECF No. 22), and has not been returned as undeliverable. Thus, Plaintiff is presumed to have received it. Nevertheless, Plaintiff filed no objections, and the time to do so has now run.

The magistrate judge's recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. *Wimmer v. Cook*, 774 F.2d 68, 72 (4th Cir. 1985) (quoting *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976)). Nevertheless, “[t]he district court is only required to review *de novo* those portions of the report to which specific objections have been made, and need not conduct *de novo* review ‘when a party makes general and conclusory objections that do not direct the court to a specific error in the magistrate judge’s proposed findings and recommendations.’” *Farmer v. McBride*, 177 Fed. App’x 327, 330–31 (4th Cir. April 26, 2006) (quoting *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982)). The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1). However, in the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Greenspan v. Brothers Prop. Corp.*, 103 F. Supp. 3d 734, 737 (D.S.C. 2015) (citing *Camby v. Davis*, 718 F.2d 198, 199–200 (4th Cir. 1983)).

Having thoroughly reviewed the Report and the record under the appropriate standards and, finding no clear error, the court **ADOPTS** the Report in its entirety (ECF No. 21), and incorporates it herein. Accordingly, this action is **DISMISSED** with prejudice and without issuance and service of process as to **Defendants Dennis, Gardner, and Ray**.

IT IS SO ORDERED.

s/ Timothy M. Cain
United States District Judge

Anderson, South Carolina
August 6, 2021

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.